

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-CV-22538-Altman/Reid

DOMINIK KARNAS, *et al.*,

Plaintiffs,

v.

MARK CUBAN, *et al.*,

Defendants.

**DEFENDANTS' UNOPPOSED MOTION TO VACATE ECF NO. 315 AND TO SET
BRIEFING SCHEDULE FOR SUPPLEMENTAL BRIEFING
ON CLASS CERTIFICATION**

Defendants in the above-captioned matter respectfully file this Unopposed Motion to Vacate ECF No. 315 and to Set a Briefing Schedule for Supplemental Briefing on Plaintiffs' Motion for Class Certification.

Undersigned counsel appreciate the Court's openness to receiving additional evidence in the form of customer data from the Voyager platform to provide factual bases for Defendants' opposition to Plaintiffs' Motion for Class Certification. The relief that Defendants sought to request at Tuesday's hearing is an opportunity to *supplement* their Opposition to Plaintiffs' Motion for Class Certification with information and arguments arising from data received from Voyager in the prior five months. *See* Hearing Tr. at 25:1-3, *Karnas v. Cuban*, 22-cv-22538 (S.D. Fla. Oct. 15, 2024) (ECF No. 316) ("[Your honor] would be greatly assisted with either a supplemental briefing or a brief hearing on how . . . the Voyager system works before you [decide] class certification."). This data was not available to the parties at the time the parties filed their prior briefs. Defendants believe that the data will further elucidate the arguments and issues identified

in the prior briefs and that allowing the parties an additional opportunity to clarify their arguments would narrow the issues for the Court and assist the parties in understanding each other's respective positions.

Defendants do not, however, wish for their prior Response in opposition to class certification to be stricken as ordered in ECF No. 315. Given the many issues argued in the prior briefs that are not affected by Voyager's data, and the many exhibits filed by both parties with their prior briefs, Defendants propose that it would best conserve the resources of the parties and the Court to maintain the prior briefing on file, and respectfully request that the parties be permitted to file supplemental briefs focused on the impact of the newly received Voyager data.

Therefore, Defendants respectfully move the Court to vacate its October 16, 2024, Order (ECF No. 315) and issue an order setting a schedule for supplemental briefing on class certification. Defendants propose the same briefing schedule as ordered in ECF No. 315:

October 31, 2024: Deadline for Defendants' Supplemental Opposition to Plaintiffs' Motion for Class Certification.

November 15, 2024: Deadline for Plaintiffs' Supplemental Reply in Support of Plaintiffs' Motion for Class Certification.

A proposed order is attached herewith.

CERTIFICATE OF GOOD-FAITH CONFERENCE

Pursuant to Local Rule 7.1(a)(3)(A), I hereby certify that counsel for the movants/Defendants conferred with Plaintiffs' counsel on October 17, 2024, in a zoom video conference in good faith and that Plaintiffs' counsel confirmed that they do not oppose the relief requested herein.

Case No.: 22-CV-22538-Altman/Reid

Respectfully submitted,

/s/ Christopher E. Knight

CHRISTOPHER E. KNIGHT, ESQ.

Fla. Bar No. 607363

Email: cknight@fowler-white.com

ESTHER E. GALICIA, ESQ.

Fla. Bar No. 510459

Email: egalicia@fowler-white.com

ALEXANDRA L. TIFFORD, ESQ.

Fla. Bar No. 0178624

Email: atifford@fowler-white.com

FOWLER WHITE BURNETT, P.A.

Brickell Arch, Fourteenth Floor

1395 Brickell Avenue

Miami, Florida 33131

Telephone: (305) 789-9200

Facsimile: (305) 789-9201

-and-

PAUL C. HUCK, JR., ESQ.

Fla. Bar No. 0968358

Email: paul@lawsonhuckgonzalez.com

LAWSON HUCK GONZALEZ PLLC

334 Minorca Avenue

Coral Gables, Florida 33134

Telephone: (305) 441-2299

Telecopier: (305) 441-8849

-and-

STEPHEN A. BEST, ESQ.

Pro Hac Vice

Email: sbest@brownrudnick.com

RACHEL O. WOLKINSON, ESQ.

Pro Hac Vice

Email: rwolkinson@brownrudnick.com

Case No.: 22-CV-22538-Altman/Reid

DANIEL L. SACHS, ESQ.
Pro Hac Vice
Email: dsachs@brownrudnick.com

BROWN RUDNICK LLP
601 Thirteenth Street NW Suite 600
Washington, DC 20005
Telephone (202) 536-1755

-and-

JONATHAN D. WHITE, ESQ.
Pro Hac Vice
Email: jwhite@brownrudnick.com

BROWN RUDNICK LLP
7 Times Square
New York, NY 10036
Telephone: (212) 209-4903

*Attorneys for Defendants Mark Cuban
and Dallas Basketball Limited d/b/a
Dallas Mavericks*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing was filed on October 17, 2024, with the Court via CM/ECF system, which will send notification of such filing to all attorneys of record.

By: /s/ Christopher E. Knight
Christopher E. Knight